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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,559	04/17/2001	Mark T. Corl	8763.138.00	5910
30827 7590 06/22/2010 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				
EXAMINER				
HUYNH, SON P				
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2424				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/835,559

Applicant(s)

CORL, MARK T.

Examiner

SON P. HUYNH

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/7/2010 has been entered.

Response to Arguments

2. Applicant's arguments filed 2/19/10 have been fully considered but they are moot in view of the new ground(s) of rejection.

Applicant argues Ebling and Nishina do not disclose parsing display information provided by the source of the broadcast event, the displaying information including information indicating that graphic information is displayed when the broadcast event is selected since Ebling does not define the display information of the multimedia object, the multimedia object cannot be displayed according to the display information (page 4, paragraphs 4-6, page 5, lines 7-16). This argument is respectfully traversed.

It's noted that since support for amended feature is not specifically located in the specification, the amended feature is interpreted as best understood as discussed below.

Ebling (WO 99/20049) discloses data structure elements and program specific information (PSI) and associated program content including audio clips, video clips, animation, still images, etc. are received and processed by digital video receiving system. The data structure supports bidirectional communication applications e.g., interactive type functions and also supports storage applications. PSI including location and the received information contains video, audio, and data representing TV programs, for example, and also contains sub-picture data. The sub-picture data contains picture elements associated with programs and channel selectable by a user for viewing including, multimedia objects, program guides, display commands, subtitling, selectable menu options or order items... The processor identifies the video, audio, data and sub-picture data using respective PIDs (or other identifiers). Processor initiates the communications and identifies and captures the video, audio, data and sub-picture data from other sources using location descriptor information of the type previously described in connection with Figures 15 and 16. Ebling further disclose processor 22 captures packets constituting the program transmitted on sub channel and associated data and multimedia objects (e.g., advertisements, web page data, interactive icons, etc.)... The processor 30, under direction of unit 60, determines how, where, and when individual objects are to be displayed from MOD information (or equivalent elements) such as object format, display mode, object start time, object duration, object frame size as

shown in figures 6 and 7, for example. An individual object may also be linked to other program or program guide images by processor using linkage and attribute descriptors. A multimedia object may also be linked with particular sub-channels, program images, scenes or program guide pages or web page.... The program guide contains multimedia object and provides user interface that supports email, telephone, fax, internet browsing, home shopping, home banking, etc. **Multimedia objects such as video clips, Internet web page data or still image may be displayed in area 435 in response to user selection of a preview icon or a web page icon...** (see include, but not limited to, page 4, lines 15-29, page 5, lines 17-23, page 6, line 28-page 7, line 24, **page 8, lines 6-18**, page 22, line 19-page 23, line 19, page 24, line 1-page 26, line 22). Thus, the displaying information provided by the source of broadcast event is parsed (e.g., the PSI and information for creating program guide screen including location, title, object start time, object duration, object frame size, etc. received at the receiver are demodulated, decompressed, decoded, processed, etc. for used to display particular information at particular location, time, or position in the program guide screen); and "the displaying information including information indicating that the graphic information is displayed when the broadcast event is selected" so that when a selectable icon, interactive icon, or preview icon, etc. associated with a broadcast even is selected, graphic information such as video clip, Internet web page data, still image, etc. is displayed (see, include, but not limited to, col. 8, lines 6-18, col. 25, line 1-col. 26, line 18).

Nishina also discloses parsing display information provided by the source of broadcast event an, the displaying information including information indicating that the graphic information is displayed when the broadcast event is selected (e.g., view icon, record icon, return menu icon or information icon is pressed/selected to display graphic information - see include, but not limited to, figures 4, 8-16, 18-19, col. 6, lines 20-26, col. 7, lines 18-41).

Therefore, Ebling and/or Nishina discloses disclose parsing display information provided by the source of the broadcast event, the displaying information including information indicating that graphic information is displayed when the broadcast event is selected.

For the reasons given above, this rejection is made final either by the previous rejection nor based on reference provided in the IDS (for example, NPL submitted 3/5/2010).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 50 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 50 contains subject matter "displaying information including information indicating whether or not the graphic information is displayed during displaying the EPG" which was not described in the original specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 41-46 and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Ebling et al. (WO99/20049).

Regarding claim 41, Ebling discloses digital television (DTV) receiver (figure 18, page 5, lines 11-25) configured to receive a DTV signal containing program and system information protocol (PSIP) data (DTV signal containing program and PSIP data – figures 17-18, page 2, lines 11-25), which when received by the DTV receiver causes the DTV receiver to perform the following method comprising:

parsing type identification information specifying a data type (e.g., ID code of data type such as program guide map, multimedia object, rating, etc.) and a format type of graphic information (e.g., object format) to be displayed in an Electronic Program Guide (EPG) on a display screen, the graphic information being associated with a broadcast event or a source of the broadcast event (object information for network name, event title, etc.), the type identification information being directly received from the source of the broadcast event (descriptor of MGT, AGDT, multimedia object, etc. being directly received from the source of broadcast event such as broadcaster, satellite source, cable source, etc. - see include, but are not limited to, figures 2-18, page 8, line 6-page 12, line 23, page 16, line 18-page 26, line 28);

parsing display information provided by the source of the broadcast event, the displaying information including information indicating that the graphic information is displayed when the broadcast event is selected(the receiver receives all information in PSI and associated content and/or information and parsing display information such as linkage descriptor, extended text table descriptor, or extended channel information descriptor, object frame size, start time, channel location, etc. for use to display object, title, time, channel, interactive icon on the screen, and in response to user selection of

broadcast event and/or icon or a link associated with broadcast event, graphic information such as still image, web page, video clip, etc. is displayed - see include, but are not limited to, figures 2-18, page 6, line 9-page 7, line 11, page 8, lines 6-18, page 16, line 10-page 26, line 28 and discussion in "Response to Arguments" above); and displaying the graphic information in the EPG according to the display information (see include, but not limited to, figures 2, 18, page 6, line 9-page 7, line 11, page 8, lines 6-18, page 16, line 10-page 26, line 28).

Regarding claim 42, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further discloses the data type of the graphic information characterizes the graphic information as one of image, text, and video data (see include, but not limited to, page 10, lines 3-10).

Regarding claim 43, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further discloses the format type of the graphic information characterizes the graphic information as one of GIF-formatted, JPEG-formatted, TIFF-formatted, and XBM-formatted image data (e.g., still image JPEG format - see include, but not limited to, page 10, lines 3-10).

Regarding claim 44, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further discloses the format type of the graphic information characterizes the graphic information as one of plain ascii, HTML-formatted, and Xml-formatted text

data (e.g., HTML format - see include, but not limited to, page 10, lines 3-10).

Regarding claim 45, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the format type of the graphic information characterizes the graphic information as one of MPEG-formatted, Quicktime- formatted, and AVI-formatted video data (MPEG format - see include, but not limited to, page 10, lines 3-10).

Regarding claim 46, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the display information comprises expected usage information describing an expected usage of the graphic information, the expected usage including a display option of the graphic information (e.g. user selection of a preview icon, or web page icon, or to display graphic information for video clip, web page, or still image, etc. - see include, but not limited to, figure 2, page 8, lines 6-18, page 24, line 1-page 26, line 13).

Regarding claim 48, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the display information comprises display time information specifying a desired display time of the graphic information in the EPG (see include, but not limited to, figure 2, page 8, lines 6-18, page 16, lines 18-24, page 24, line 1-page 26, line 13).

Regarding claim 49, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the display information including information indicating that the graphic information is displayed when a broadcast channel is selected (see include, but not limited to, figure 2, page 8, lines 6-18, page 6, line 9-page 7, line 11, page 16, line 10-page 26, line 28).

Regarding claim 50, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the display information including information indicating whether or not the graphic information is displayed during the EPG (for example, information with time, channel or linkage, or program outside the time slot of program guide- see include, but not limited to, figure 2, page 8, lines 6-18, page 6, line 9-page 7, line 11, page 16, line 10-page 26, line 28).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 47 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Ebling (WO99/20049) as applied to claim 41 above, and further in view of Nishina et al. (US 7,178,158 B2).

Regarding claim 47, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling does not explicitly disclose the display information comprises display location information specifying a desired display location of the graphic information in the EPG.

Nishina discloses display information comprises display location information specifying a desired display location of the graphic information in the EPG (e.g., layout information comprising display position, position of button, etc. - see include, but are not limited to, figures 5, 16, 34-38). Nishina further discloses information type descriptor comprising data type and a picture format No., movie format No., text format No., etc. (see figures 16-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ebling with the teaching as taught by Nishina in order to display graphic information in the EPG at desired/predetermined location

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Program and System Information Protocol for Terrestrial Broadcast and Cable"
(Revision A) and Amendment No 1 and 3.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

June 16, 2010

